

PATENT
IBM-168 (CH19970026US1)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of	:	Bloechl
Serial Number	:	09/445,261 [PCT/IB98/01017]
Filing Date	:	December 2, 1999
Examiner	:	To Be Assigned
Group Art Unit	:	To Be Assigned
For	:	MATERIAL WITH REDUCE OPTICAL ABSORPTION

TO: The Honorable Commissioner of Patents
and Trademarks
P.O. Box 1450

Alexandria VA 22313-1450

Attn: Rafael Bacares PCT Legal Examiner

Sir:

In an earlier submission, Applicant asserted that the above-identified application was abandoned for failure to provide a declaration. Concurrently with the transmission of that submission, Applicant submitted the declaration that was filed with the Commissioner of Patents as evidenced by the copy of the stamped postcard receipt.

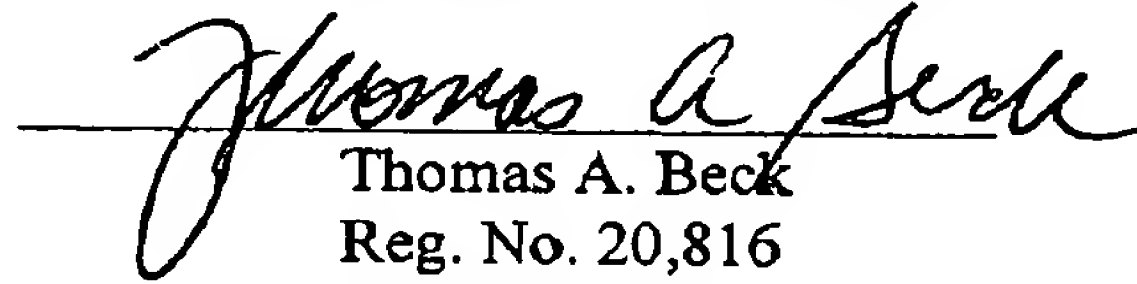
A PCT Legal Examiner responded to Applicant's submission stating that the application was abandoned for failure by Applicant to pay the basic national filing fee as stated in the USPTO's decision mailed on January 22, 2002.

The Examiner is requested to reconsider the decision rendered in the "Communication" as the actual predicate for the abandonment as stated in the "Notification of Abandonment" dated April 4, 2001 was "the Decl is missing." The "Notice of Abandonment," FORM PCT/DO/EO/909 (May 1993) has a specific entry at paragraph 2 which relates to the U.S. Basic National Fee, and the box thereon was not checked. A copy of the Form is included.

Applicant has no record of ever receiving a USPTO decision which allegedly holds that the application is abandoned for failure to pay the national filing fee timely. Further, after the application was initially filed, Applicant never received a notification of the specific amount of the filing fee that was due.

Applicant should have had a communication from the USPTO advising what the filing fees are for the application, and should have been given a reasonable time within which to respond. Rule 16^{bis} provides that the receiving Office shall invite the Applicant to pay to it the amount required to cover the fees one month from the date of publication. As noted above, no such invitation was ever received by Applicant's attorney. It is respectfully requested that the above-identified application be revived and a formal notification of the fees due be presented therein with a one month period within which to respond and pay the proper filing fee.

Respectfully submitted,



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I hereby certify that this paper is being I hereby certify that this paper is being directly telefaxed on the date indicated below to Rafael Bacares, PCT Legal Examiner (571) 273- 0459 addressed to Commissioner of Patents & Trademarks, Post Office Box 1450, Alexandria, VA 22313-1450

Signature:

Name:

Thomas A. Beck

Date: June 23, 2006



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: ASSISTANT COMMISSIONER FOR PATENTS

Box PCT

Washington, D.C. 20231

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/445261	BLOECHL	P SZ997-026
INTERNATIONAL APPLICATION NO.		
PCT/IB98/01017		
LA. FILING DATE	PRIORITY DATE	
01 JUL 98	05 MAR 98	
DATE MAILED: 04 APR 2001		

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NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as

☐ a Designated Office (37 CFR 1.494), ☒ an Elected Office (37 CFR 1.495), has made the following determination:

- ☐ Applicant's letter of express abandonment received is in compliance with CFR 1.138 and is hereby acknowledged.
- ☐ Applicant has failed to provide the full U.S. Basic National Fee by ☐ 20 months (37 CFR 1.494(b)(2)), ☐ 30 months (37 CFR 1.495(b)(2)).
- ☐ Applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed within the time period set therein.
- ☐ Applicant has failed to properly respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed within the time period set therein. See the attached NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916).
- ☒ Other.
The Decl. is missing,...

Therefore, the above identified application failed to meet the requirements of 35 U.S.C 371 and 37 CFR ☐ 1.494, ☐ 1.495 and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

Shelby J. Vigil

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